

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Joseph William Gersich,

Plaintiff,

ORDER ADOPTING THE
REPORT AND RECOMMENDATION

vs.

Frank Gersich III, Jewell Pollard,
Kimberly J. Corradi, James Perunovich,
Michael Bolf, Andy Borland, Jon
Abraham, Paula Abraham and Anita
Raushel,

Defendants.

Civ. No. 06-2658 (ADM/RLE)

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Based upon the Findings and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint is summarily dismissed, without prejudice, for lack of subject matter jurisdiction, pursuant to Rule 12(h)(3), Federal Rules of Civil Procedure.
2. That the Plaintiff's Application to Proceed In Forma Pauperis [Docket No. 2] is denied, as moot.

s/Ann D. Montgomery

Ann D. Montgomery, Judge
United States District Court

DATED: August 8, 2006
At Minneapolis, Minnesota